

Serial No. 09/695,016
Election

Docket: BL055-GN005

Group II: Claims 16-27 and 55, drawn to collecting consumer feedback on a business and conducting detailed analyses based on various ratings received from consumers to create consumer indices, classified in class 705, subclass 10.

Group III: Claims 43-53 and 56, drawn to collecting consumer feedback on a business and creating an index based on the number of consumer feedback communications generated, classified in class 705, subclass 10.

Applicant provisionally elects to prosecute the claims of Group II, with traverse. If the Examiner holds that this election is proper and denies the traversal set forth below, cancellation of claims 1, 3-15, 28-54, 56-58 will follow the next Office action on the merits; or, alternatively, may be cancelled by an Examiner's amendment if the elected claims are deemed allowable at this point.

REMARKS

Applicant traverses this restriction requirement because it is improper and unwarranted in this case.

The Office action expressly acknowledges that Group I, Group II, and Group III all fall within the same classification: class 705, subclass 10 (BUSINESS PROCESSING USING CRYPTOGRAPHY / Market analysis, demand forecasting or surveying). This is expressly stated in the Office action's definitions of Groups I, II, and III (Office action, ¶ 3). This common classification of the claims in this application removes any rationale for restriction. Indeed, the MPEP states that restriction is improper in this situation:

Where, however, the classification is the same and the field of search is the same and there is no clear indication of separate future classification and field of search, no reasons exist for dividing among related inventions.

MPEP § 808.02. Accordingly, because the Office action states that all the claims in this application fall within a common classification and gives no reason why a different field of search would be required, the restriction requirement is improper in this case.

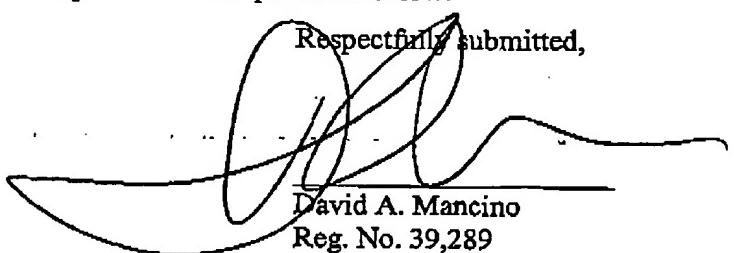
In light of the foregoing, it is respectfully submitted that an adequate response to the Election/Restriction requirement has been presented. Applicant respectfully requests that the restriction requirement be withdrawn and that all pending claims in the application be examined on the merits.

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If the Examiner wishes to discuss any aspect of this response, do not hesitate to contact the undersigned at the telephone number provided below.

Respectfully submitted,



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